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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

THOMAS M. WAITKUS, individual, } Case No. CV-15-01124-PHX-ROS
Plaintiff, }
vs. } DEFENDANT'S PROPOSED CASE
WEST ASSET MANAGEMENT, INC., } MANAGEMENT PLAN
a corporation, et al, }
Defendant. }

1. Attorney Damian P. Richard, counsel for Defendant, West Asset Management, Inc. (“WAM”) developed this plan.

2. Nature of the Case: Plaintiff's complaint asserts causes of action for the alleged violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692d. WAM maintains that at hospital registration, Plaintiff provided express written consent to receive on his cellular phone calls placed by his medical creditor John C. Lincoln Medical Center, and its debt collector WAM.

3. Jurisdiction of this Court arises under 28 U.S.C. § 1331.

4. All parties have been served.

5. No additional parties are contemplated.

1 6. WAM will be filing a motion for summary judgment.

2 7. WAM proposes the exchange of initial disclosures by September 18,
3 2015.

4 8. WAM agrees to the discovery limitations imposed by the Rules of
5 Civil Procedure. WAM foresees no issues relating to ESI, privilege, or work-
6 product at this time

7 9. Proposed deadlines:

8 a. Completion of fact discovery by January 29, 2016.

9 b. WAM does not expect the need for any expert testimony or
10 expert depositions.

11 c. WAM proposed February 15, 2016 as the deadline for filing
12 dispositive motions.

13 d. The parties have conducted good-faith settlement discussions.

14 10. WAM expects the trial to last 3 hours.

15 11. WAM has no further suggestions.

17 18 Respectfully submitted this 9th day of September, 2015.

19 19 SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.

20 21 /s/Damian P. Richard, Esq

22 Damian P. Richard, Esq.

23 Attorney for Defendant

24 West Asset Management, Inc.

CERTIFICATE OF SERVICE

I certify that on September 9, 2015, a copy of the foregoing was filed electronically in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: 9/9/2015

SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.
/s/Damian P. Richard
Damian P. Richard